

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

TANYA S. CAPALLA, L.P.N.
License # 26NP06111600

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Tanya S. Capalla ("Respondent") is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about October 18, 2013, Ms. Capalla was asked by the Board to provide documentation of nursing continuing education completed for the June 1, 2010 - May 31, 2012 biennial renewal period.
3. Respondent provided documentation of in-service training, which is not approved or accredited as required pursuant to N.J.A.C. 13:37-5.3, and completion of 25 contact hours completed in March of 2010, which is not applicable to the June 1, 2010 - May 31, 2012 renewal period.

4. Respondent indicated on her 2012 renewal application that she would have completed all required continuing education for the June 1, 2010 – May 31, 2012 renewal period by May 31, 2012.

CONCLUSIONS OF LAW

Respondent's failure to provide documentation of any contact hours of valid continuing education attributable to the June 1, 2010 – May 31, 2012 renewal period constitutes a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her renewal application that she would have completed all required continuing education by May 31, 2012 constitutes misrepresentation within the intendment of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on May 5, 2014 seeking a suspension, a reprimand, and a two hundred and fifty dollar (\$250) civil penalty. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely replied to the Provisional Order of Discipline by providing evidence of thirty hours of continuing education completed in May 2014. Respondent maintained that she did not realize that the documentation previously submitted (in

service training) did not count for continuing education contact hours.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Inasmuch as Respondent provided thirty hours of continuing education as originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's failure to timely complete the required hours and corresponding false answer on her renewal application warranted imposition of the two hundred and fifty dollar civil penalty and reprimand.

Respondent may use the thirty hours of continuing education completed in May 2014 to cure the deficiency of the June 1, 2010 – May 31, 2012 biennial period. Respondent may not use those same thirty hours to satisfy the requirements of the June 1, 2012 – May 31, 2014 biennial renewal period. Respondent will need to complete an additional thirty hours to satisfy the June 1, 2012 – May 31, 2014 period and another thirty to satisfy the current period of June 1, 2014 – May 31, 2016.

ACCORDINGLY, IT IS on this 8th day of Sept., 2014,
ORDERED that:

1. In addition to the thirty hours of continuing education completed in May 2014 which were applied to cure the deficiency of the June 1, 2010 - May 31, 2012 biennial period, Respondent shall ensure that she has documentation of completion of thirty hours of continuing education to apply to the June 1, 2012 – May 31, 2014 biennial period and thirty hours of continuing education to apply to the June 1, 2014 –

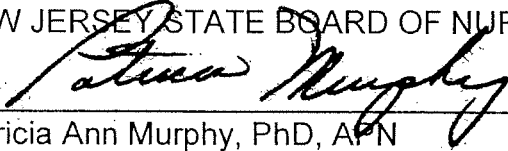
May 31, 2016 biennial period. Continuing education hours applied to cure the deficiency of a previous biennial period shall not satisfy the requirements of any other biennial period.

2. A reprimand is hereby imposed upon Respondent for the violation of N.J.S.A. 45:1-21(b).

3. A two hundred and fifty dollar (\$250) civil penalty is hereby imposed for the failure to timely complete continuing education in violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank check, or money order payable to "State of New Jersey," or by wire transfer or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President